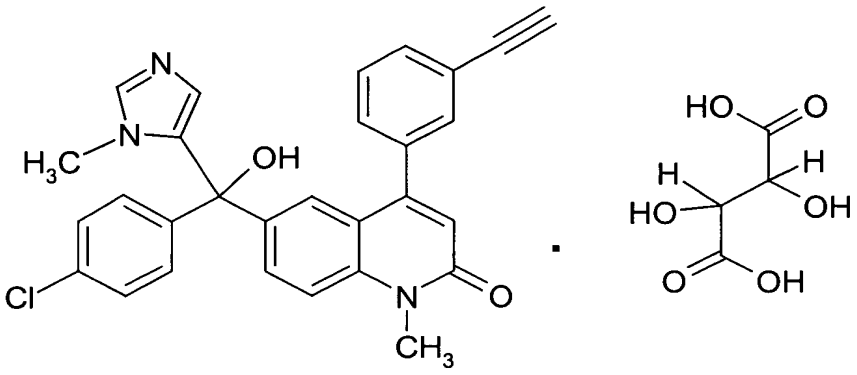
Amendment to the Claims

Please cancel claims 1-28 and 36-40, and amend claims 33 and 35 as set forth below. A complete listing of the claims in a revised format now permitted by the USPTO (revision to 37 CFR 1.121) is set forth below.

1. (Cancelled)
2. (Cancelled)
3. (Cancelled)
4. (Cancelled)
5. (Cancelled)
6. (Cancelled)
7. (Cancelled)
8. (Cancelled)
9. (Cancelled)
10. (Cancelled)
11. (Cancelled)
12. (Cancelled)
13. (Cancelled)
14. (Cancelled)
15. (Cancelled)
16. (Cancelled)
17. (Cancelled)
18. (Cancelled)
19. (Cancelled)
20. (Cancelled)
21. (Cancelled)
22. (Cancelled)
23. (Cancelled)
24. (Cancelled)
25. (Cancelled)
26. (Cancelled)
27. (Cancelled)
28. (Cancelled)

29. (Original) A process for preparing a salt having the formula



comprising treating 6-[(4-chloro-phenyl)-hydroxy-(3-methyl-3H-imidazol-4-yl)-methyl]-4-(3-ethynyl-phenyl)-1-methyl-1H-quinolin-2-one with tartaric acid in a polar solvent at an elevated temperature to form an anhydrous crystal form which provides high-intensity diffraction peaks at diffraction angles (2θ) of about 3.6, 17.2, 17.6, 18.8, 19.2, 20.4 and 22.1 in the powder X-ray diffraction pattern.

30. (Original) The process of claim 29, wherein said salt is (+)-6-[(4-chloro-phenyl)-hydroxy-(3-methyl-3H-imidazol-4-yl)-methyl]-4-(3-ethynyl-phenyl)-1-methyl-1H-quinolin-2-one, (-)-2,3-dihydroxy butanedioate anhydrous salt.

31. (Original) The process of claim 29, wherein said salt is (-)-6-[(4-chloro-phenyl)-hydroxy-(3-methyl-3H-imidazol-4-yl)-methyl]-4-(3-ethynyl-phenyl)-1-methyl-1H-quinolin-2-one, (+)-2,3-dihydroxy butanedioate anhydrous salt.

32. (Original) The process of claim 29, wherein the polar solvent is ethyl acetate.

33. (Currently amended) A method of treating a hyperproliferative disorder in a mammal which comprises administering to the mammal a therapeutically effective amount of a crystal form of 6-[(4-chloro-phenyl)-hydroxy-(3-methyl-3H-imidazol-4-yl)-methyl]-4-(3-ethynyl-phenyl)-1-methyl-1H-quinolin-2-one, 2,3-dihydroxy butanedioate anhydrous salt ~~compound according to claim 1~~.

34. (Original) The method of claim 33, wherein the method is for the treatment of a cancer selected from brain, squamous cell, bladder, gastric, pancreatic, breast, head, neck, oesophageal, prostate, colorectal, lung, renal, kidney, ovarian, gynecological and thyroid cancer.

35. (Currently amended) A method for the treatment of a hyperproliferative disorder in a mammal which comprises administering to the mammal a therapeutically effective amount of a polymorph of a crystal form of 6-[(4-chloro-phenyl)-hydroxy-(3-methyl-3H-imidazol-4-yl)-methyl]-4-(3-ethynyl-phenyl)-1-methyl-1H-quinolin-2-one, 2,3-dihydroxy butanedioate anhydrous salt ~~according to claim 1~~ in combination with an anti-tumor agent selected from the group consisting of mitotic inhibitors, alkylating agents, anti-metabolites, intercalating antibiotics, growth factor inhibitors, cell cycle inhibitors, enzymes, topoisomerase inhibitors, biological response modifiers, anti-hormones, and anti-androgens.

36. (Cancelled)

37. (Cancelled)

38. (Cancelled)

39. (Cancelled)

40. (Cancelled)